IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15125 of 2005

Between:

Bandla Bapaiah Hindu Junior College (High School),

Vetapalem, Prakasam District,

represented by its Correspondent Sri Bandla China Bapaiah,

s/o late Sri Rao Sahab Bandla Bapaiah Setty Garu,
aged 75 years, r/o Naumipally, Vetapalem Mandal, Prakasam District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh,

represented, by its Secretary,

School Education Department, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education A.P.,

Hyderabad.
3 The Regional Joint Director of School Education, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially writ of mandamus declare the action of the respondents in not taking follow-up action for issuance of appointment order to the selected candidate as per selection made on 20-10-2004 by duly constituted staff Selection Committee to the aided Secondary Grade Assistant Post, Attender

Post and Watchman post as illegal, arbitrary and unjust and consequently direct the respondents 1 to 3 to pass appropriate orders for approval of selected candidates to the aided Secondary Grade Assistant Post, Attender Post and Watchman Post forthwith.

Counsel for the Petitioner: MR.RAJ KUMAR RUDRA

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not approving the list of selected candidates for filling up the vacancies, though the selection committee, constituted by the competent authority, has already made selections.

2. According to the petitioner, there are two vacancies of Secondary Grade Teacher and one vacancy of Attender and another of Watchman. Therefore, the petitioner sought for permission for filling up those posts. It is stated that the Regional Joint Director granted permission by proceedings dated 01-08-2003 for filling up the attender post, by proceedings dated 30-08-2003 granted permission for filling up the watchman post and by proceedings dated 25-09-2003 granted permission for filling up of two secondary grade teacher posts. Pursuant to that, the selection committee was constituted where a nominee of the department also participated and the candidates were selected. It is stated that even the nominee of the department sent a communication to the Regional Joint Director about the selection of the candidates. It is also stated that in the process of selection, the petitioner could not select a candidate with reference to the Secondary Grade Teacher, which was reserved for SC 'A' woman, as no candidate was available. It is further stated that even the petitioner also sent proceedings dated 21-10-2004 to the Regional Joint Director seeking approval of the selections already made. However, the respondents did not pass any orders. Hence, the petitioner has come up with the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner stated that obviously the respondents have not granted approval in view of the ban order imposed by the first respondent dated 20-10-2004, though the same has no application to the present case as the said ban was imposed long after the approval granted to the petitioners.

4. Heard the learned counsel for the petitioner and the learned Government Pleader.

5. It is an admitted fact that approval was accorded for filling up the vacancies, with reference to which candidates were already selected and the names were sent for approval much before the ban was imposed. In any case, as the original permission was granted much before the ban, the respondents are not entitled to either reject or keep the proceedings in abeyance.

6. In the above circumstances, the respondents 1 and 2 are directed to pass necessary orders approving the selections already made by the petitioner, in view of the fact that the approval was accorded prior to the ban imposed on 20-10-2004, within a period of eight weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No order as to costs.

S.ANANDA REDDY, J

13th July, 2005

SKM

Copy to:

1. The Secretary, Government of Andhra Pradesh,
   School Education Department,
   Secretariat, Hyderabad.
2. The Commissioner and Director of School,
   Education, Andhra Pradesh, Hyderabad.

3. The Regional Joint Director of School Education,
   Guntur.
4. Two C.Cs to the Government Pleader for School Education,
   High Court Buildings, High Court of Andhra Pradesh,
   Hyderabad. (O.U.T.)

5. Two C.D. Copies